

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Todd Allen Mudgett,

Defendant.

ORDER

Crim. No. 11-280 (12) (MJD)

This matter is before the Court on the Defendant's *pro se* motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On March 14, 2012, the Defendant pleaded guilty to Count 1 of the Indictment which charged conspiracy to distribute and possess with intent to distribute 500 grams or more of methamphetamine and 100 kilograms of marijuana in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and (b)(1)(B) and 846.

At the Defendant's sentencing hearing, the Court determined the applicable guideline range to be 210 to 262 months based on a total offense level 32 and a criminal history category VI. The Court varied downward from the applicable range and sentenced the Defendant to a term of imprisonment of 168 months.

The Defendant seeks a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels by two levels applicable to certain drug offenses. If applied in this case, the amended guideline range would be based on a total offense level 30 and a criminal history category VI, resulting in a range of 168 to 210 months. Because the Defendant was sentenced to 168 months - the bottom of the amended guideline range - the Defendant is not eligible for a sentence reduction. U.S.S.G. § 1B1.10 (b)(2)(A) (Court shall not reduce sentence to a term that is less than the minimum of the amended guideline range).

IT IS HEREBY ORDERED that Defendant's Motion for Sentence Reduction [Doc. No. 935] is DENIED.

Date: July 20, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court